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## **News Release**

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### **Court dismisses claims against U.S. Department of Homeland Security following immigration operation**

A United States District Court Judge today dismissed claims against the U.S. Department of Homeland Security, its agencies and employees in connection with a civil immigration enforcement operation in central Minnesota.

Judge Ann Montgomery issued her opinion granting the motion to dismiss all of the claims filed against the U.S. government, as well as the police chiefs of Atwater and Willmar and the Kandiyohi County Sheriff. The opinion also dismissed claims by illegal immigrants against the individual officers, and required the plaintiffs to identify where and when they were injured or face dismissal of those claims as well.

The civil lawsuit was filed April 19 by Centro Legal on behalf of more than 50 individuals who claimed their constitutional rights were violated. Judge Montgomery heard arguments from both sides on Jan. 9.

The operation, known as Operation Cross Check, was implemented April 10-14, 2007, in Kandiyohi County. Agents from U.S. Immigration and Customs Enforcement (ICE) arrested 49 illegal immigrants. ICE was assisted by the Kandiyohi County Sheriff's Office and the police departments of Atwater and Willmar.

The lawsuit alleged that the government violated the Fourth, Fifth, Sixth, and 14th amendments, as well as the Immigration and Nationality Act. The plaintiffs sought monetary damages, declaratory relief and injunctive relief. All claims against the U.S. government and governmental officers in their official capacity were dismissed on jurisdictional grounds.

The claims against the police chiefs and Kandiyohi County Sheriff were dismissed because their agencies participated under the direction of the Attorney General. Montgomery wrote that because officers of the federal government supervised the Willmar and Atwater police officers during the operation, the local officers cannot be liable.

With regard to remaining claims against federal and local government officials in their individual capacities, Montgomery ruled that the plaintiffs' counsel has until April 30, 2008, to explain why they cannot demonstrate sufficient facts in dispute so as to preclude dismissal of their claims.

Assistant U.S. Attorney Lonnie Bryan argued the motions on behalf of the U.S.